

REMARKS

Applicant thanks the Examiner for acknowledging Applicant's claim to foreign priority under 35 U.S.C. § 119(a)-(d), and for confirming that the certified copy of the priority document has been received at the Patent Office in U.S. Application No.: 10/278,026.

Drawings:

Applicant thanks the Examiner for indicating that the drawings filed on June 29, 2005 have been approved.

Information Disclosure Statement:

Applicant thanks the Examiner for initialing and returning Form PTO/SB/08 A & B filed on June 30, 2004 and March 23, 2005, thus indicating that all of the references listed thereon have been considered.

Specification:

The Examiner has objected to the specification for a number of informalities. Applicant has amended the specification and claims, as shown in the previous section, to address the Examiner's concerns.

Applicant hereby requests the Examiner reconsider and withdraw the above objection to the specification and the claims.

Claim Rejections:

Claims 1-6 are all of the claims pending in the present application and currently all of the claims stand rejected.

35 U.S.C. § 103(a) Rejection - Claims 1-6:

Claims 1-6 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over European Reference EP 0 985 535 to Miyata et al. In view of Reference WO 99/09647 to Ide et al. In view of the following discussion, Applicant respectfully traverses the above rejection.

In reviewing Miyata, Miyata discloses the basic structure of an ink jet recording head, that is, a structure in which a passage-forming substrate and a sealing plate are joined. The Examiner is alleging that Miyata discloses each and every feature of the claimed invention, except joining a sealing plate and a substrate by way of a joining layer made of glass.

To cure this deficiency, the Examiner is relying on the teachings of Ide. Ide discloses a structure in which a lower case **2** and a lid **5** for sealing a piezoelectric vibrating piece are joined with a sealing glass **6** having a low melting point. *See* Fig. 5, p. 6 and corresponding discussion. Further, the Examiner alleges that a skilled artisan would have found it obvious to combine the Miyata and Ide references.

However, even if it were assumed that the Examiner's statements and allegations were correct, Applicant submits that the combination of Miyata and Ide would fail to teach each and every feature of the claimed invention. Specifically, in the present invention, a passage-forming substrate and a sealing plate are joined with a glass joining layer made of glass interposed therebetween, and "the glass joining layer is formed over the inside of a piezoelectric element holding portion of the sealing plate". *See* claim 1. This is neither taught or suggested by the above references, taken individually, or in combination.

Stated differently, even if it were assumed that a skilled artisan would have found it obvious to use the glass layer **6** (of Ide) with the Miyata structure, the resultant combination

would not have resulted in a structure where the glass joining layer is formed over the inside of a piezoelectric element holding portion of the sealing plate.

As set forth in claim 1, "the glass joining layer is formed over the inside of the piezoelectric element holding portion". This aspect of the invention is not disclosed, taught or suggested in either Miyata or Ide. Moreover, this aspect of the claimed invention is not rendered obvious by either of the references.

In view of the foregoing, Applicant respectfully submits that even if one of ordinary skill in the art would have been motivated to combine the above references as suggested by the Examiner (which Applicant does not admit), the resultant combination would fail to disclose, teach or suggest each and every feature of the claimed invention. Therefore, Applicant submits that the Examiner has failed to establish a *prima facie* case of obviousness with respect to the claimed invention, as required under 35 U.S.C. § 103(a). Accordingly, Applicant hereby requests the Examiner reconsider and withdraw the above 35 U.S.C. § 103(a) rejection of the claims.

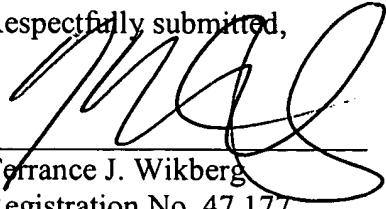
Conclusion:

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. §1.111
Application Number: 10/710,261

Our Ref: Q82380
Art Unit: 2853

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,


Terrance J. Wikberg
Registration No. 47,177

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE
23373
CUSTOMER NUMBER

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